

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, July 3, 1979 at 7:30 P.M.

Present: Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Antone J. Regula, Councilman

Absent: Henry S. Saxtein, Town Attorney
Alex E. Horton, Supt. of Highways

Supervisor Smith called the meeting to order at 7:30 P.M., and the Pledge of Allegiance was recited.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Minutes of the Town Board Meeting held June 5, 1979, an Adjourned Board Meeting held June 6, 1979, and the Special Town Board Meeting held June 12, 1979, be approved as submitted.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

BILLS

Bills submitted on abstract dated July 3, 1979 as follows:

General Town	\$ 31,994.78
Capital Projects	\$ 19,354.42
Community Development	\$ 5,913.62
HUD Discretionary Account	\$ 5,621.89
Ambulance	\$ 90.70
Special Districts	\$ 8,080.89
Highway Item #1	\$ 12,001.57

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That subject to complete audit the following bills be approved for payment.

General Town	\$ 31,994.78
Capital Projects	\$ 19,354.42
Community Development	\$ 5,913.62
HUD Discretionary Account	\$ 5,621.89
Ambulance	\$ 90.70
Special Districts	\$ 8,080.89
Highway Item #1	\$ 12,001.57

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Conservation Advisory Council - minutes of June 12, 1979 meeting. Filed.

Supervisor's Office - Financial Statement for month of May, 1979. Filed.

Building Department - month of June, 1979. Filed.

Police Department - month of June, 1979. Filed.

COMMUNICATIONS

Alex Horton, 6/21/79 - informing Board that it's not possible to furnish request regarding petition of Clover Place without map of roads. Filed.

Mattituck Airbase, 6/21/79 - in favor of re-opening of Riverhead Airpark. Filed.

All Island Equipment Corp., 6/19/79 - in favor of re-opening of Riverhead Airpark. Filed.

Jamesport Fire District, 6/19/79 - resignation of Carl Locker as Treasurer of Fire District. Filed.

Jamesport Fire District, 6/27/79 - appointment of John Hansen as Treasurer of Fire District. Filed.

Town of Brookhaven, 6/20/79 advising of public hearing

COMMUNICATIONS - continued

on July 17, 1979 at 11:00 A.M. regarding alteration of boundaries Riverhead & Manorville Fire Districts. Filed.

County Legislature - Approved resolution approving fall voter registration at Town Halls. Filed.

County Treasurer, 6/21/79 - resolution apportioning mortgage tax & check of \$68,414.58. Filed.

State Board of Equalization & Assessment, 6/19/79 - final determination regarding review of equalization made by County Legislature. Filed.

Denis Hurley, 6/27/79 - advising that dredging of Peconic River approved on June 20th. Filed.

Riverhead Townscape, 7/2/79 - advising support of sections of Town Sign Code. Filed.

UNFINISHED BUSINESS

Special Permit Application - Courage Realty Corp. (Route 25, Jamesport for a gas station).

Site Plan Application - Ray McKay (Route 25, Aquebogue for a fish stand).

Supervisor Smith: "Under unfinished business, the application of Courage Realty, I have spoken with Mr. McNulty, who is the Attorney for Courage and apparently what is holding us up on this particular approval or anticipated approval, is certain information that he has agreed to supply to the Planning Board and as such time as we get that in, we can act on that one.

Regarding the site plan application by Raymond McKay, again, that is before the Planning Board.

Under applications, Mrs. Pendzick, I think we should list for tonights' agenda, an application of Mr. Edward Zilnicki that comes to us not as an application for a special permit, but upon referral by the zoning Board of appeals if anyone were to appear at the Town Clerk's Office and ask for a copy of the application, as might well happen, please refer them to the Zoning Board of appeals or get a duplicate copy of that folder made up in that it does refer to mobile homes for the purposes of migrant

Supervisor Smith continues:
labor. It would generate some activity."

APPLICATIONS

Edward Zilnicki - referral by Zoning Board of Appeals. Filed.

Supervisor Smith: "This brings us to that portion of the agenda where we will listen to anyone who wishes to speak. Is there anyone who would choose to address the Town Board on any matter?"

No one wished to be heard at this time.

RESOLUTIONS

#298

RESCINDS BEACH ATTENDANTS - RECREATION DEPARTMENT

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, Susan L. Fricke and Colleen A. Larsen were appointed Beach Attendants effective June 23, 1979 to and including September 3, 1979, and

WHEREAS, Susan L. Fricke and Colleen A. Larsen have indicated their inability to serve,

BE IT THEREFORE RESOLVED, That the appointment of Susan L. Fricke and Colleen A. Larsen made in a Town Board Resolution under date of 6/05/79 be and is hereby rescinded.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#299

AUTHORIZES APPOINTMENT OF BEACH ATTENDANTS TO RECREATION DEPARTMENT

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the following be and are hereby appointed to serve as Beach Attendants effective June 23, 1979 to and including September 3, 1979, to be paid bi-weekly at the hourly rate of \$3.00 and to serve at the pleasure of the Town Board.

Rita A. DeCarle

Michael F. O'Shea

RESOLUTIONS - continued

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#300 AUTHORIZES APPOINTMENT OF PARK ATTENDANT TO RECREATION
DEPARTMENT

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That Kendra R. DeGrasse be and is hereby appointed to serve at Park Attendant effective June 25, 1979 to and including September 7, 1979, to be paid bi-weekly at the hourly rate of \$2.90 and to serve at the pleasure of the Town Board.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#301 AUTHORIZES APPOINTMENT OF LIFEGUARD TO RECREATION
DEPARTMENT

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That Patricia R. Nicks be and is hereby appointed to serve as Lifeguard effective June 23, 1979 to and including September 3, 1979, to be paid bi-weekly at the hourly rate of \$3.15 and to serve at the pleasure of the Town Board.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#302 AUTHORIZES USE OF TOWN SIDEWALKS FOR ANNUAL RIVERHEAD
SALE DAYS (JULY 12, 13, and 14, 1979)

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

RESOLVED, That the Town Board does hereby grant permission for the use of Town sidewalks for the annual Riverhead Sale Days, to be held on July 12, 13, and 14, 1979.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#303 TERMINATES SERVICES OF PROBATIONARY AUTOMOTIVE
EQUIPMENT OPERATOR - HIGHWAY DEPARTMENT

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLUTIONS - continued

BE IT RESOLVED, That the employment of William Mackno, probationary Automotive Equipment Operator in the Highway Department, be and is hereby terminated, effective June 29, 1979.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and before Supervisor Smith voted, he stated: "I'm going to vote Yes, but by my vote I don't pretend to pass upon the probationary period of this particular employee. I think it is in question."

The resolution was thereupon declared duly adopted.

#304 AMENDS RESOLUTION #243, ADVISORY REFERENDUM RE:

NUCLEAR PLANT

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, There was a recent accident at the nuclear power plant at Three Mile Island in Pennsylvania, and

WHEREAS, The safety of nuclear power is questioned by millions of people in the United States, and

WHEREAS, LILCO has proposed two nuclear power plants be built at Jamesport, and

WHEREAS, The proposal is being considered by the New York State Siting Board and the Federal Regulatory Commission, and

WHEREAS, The Town of Riverhead entered into a written agreement in 1975 with LILCO to "Manage, maintain, police, staff, govern, and operate a recreation facility at the Jamesport nuclear plant or elsewhere", and

WHEREAS, The Town Law of New York State, Article VI, Section 81, provides that the Town Board may upon its own motion, cause to be submitted at a special or biennial town election, a proposition to establish and maintain public parks, comfort stations and playgrounds, and

WHEREAS, Many residents of Riverhead have requested that an advisory referendum be held on whether there should be a nuclear project at Jamesport, and

WHEREAS, This Town Board feels that the residents of Riverhead are entitled to be heard on such a crucial issue, and

WHEREAS, This Town Board will submit the results of this vote to the New York State Siting Board, the Federal Regulatory Commission and the Governor of New York State, now, therefore, be it

RESOLVED, That the following proposition be submitted to the electorate of the Town of Riverhead on election day, November 6, 1979: "Shall the Town of Riverhead support the nuclear power plant project at Jamesport by operating and maintaining a recreational facility at or near the nuclear plant site or by any other means?" and

RESOLUTIONS - continued

That the Town Clerk is hereby authorized to publish a Notice that the polling for this referendum be located at the seventeen (17) polling places in Riverhead Town, and that all persons 18 years of age, residing within the Town of Riverhead for thirty (30) days prior to the date of the election, a citizen of the United States, and who are registered to vote with the Suffolk County Board of Elections, are eligible to vote.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and before Supervisor Smith voted, he stated: "As stated the last time the resolution was offered, I would incorporate those comments into this vote and be recorded by the Clerk as NOT VOTING."

The resolution was thereupon declared duly adopted.

#305 REJECTION OF BID, CONTRACT #3, PECONIC RIVER MARINA AND PARK

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Clerk of the Town of Riverhead, has duly advertised for bids on Contract #3 of Peconic River Marina and Park to be opened on June 14, 1979, and

WHEREAS, The Town Clerk received only one bid from Walsh and Hughes, A/K/A Amma Construction, of Northport, New York, and

WHEREAS, The Town Board reserves the right to reject any and all bids pursuant to § 103(1) of the General Municipal Law,

NOW, THEREFORE, be it

RESOLVED, That the Bid of Walsh and Hughes, A/K/A Amma Construction, on Contract #3 of Peconic River Marina and Park is hereby rejected, and be it

FURTHER RESOLVED, That the Town Clerk is authorized pursuant to section 103 (1) of the General Municipal Law, to re-advertise for bids.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#306 WAIVES FILING FEE FOR SIGN APPEALS TO ZONING BOARD
Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, Existing signs became non-conforming on January 20, 1979 pursuant to section 108-56 of the Town Code, and

WHEREAS, The Town Code permits an appeal to the Zoning

RESOLUTIONS - continued

Board of Appeals dealing with signs, and be it

FURTHER RESOLVED, That forms for either a variance or amortization of signs shall be available at the Office of the Building and Zoning Administrator.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#307 RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT OFFICE
TO AID VILLAGE OF GREENPORT

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Village of Greenport has requested the Town of Riverhead Community Development Office to assist them in the preparation of Grant applications,

NOW, THEREFORE, be it

RESOLVED, That the Town Attorney is authorized to negotiate a contract with the Village of Greenport for the consultant services of the Riverhead Community Development Office, and be it

FURTHER RESOLVED, That the Supervisor be and hereby is authorized to execute said contract.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#308 RESOLUTION AUTHORIZING NOTICE FOR PUBLIC HEARING
Councilman Young offered the following resolution

which was seconded by Councilman Menendez.

RESOLVED, That the Town Clerk be and she hereby is authorized to publish and post the following notice of public hearing.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, That a Public Hearing will be held on the 17th day of July at 8:15 o'clock P.M. before the Town Board of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the special permit application of Magee Service, Inc., pursuant to section 108-51(A) of the Town Code, to install a 10,000 gallon below-ground fuel tank. The site upon which the proposed use is to be located is on the south side of County Road 58 between Woodcrest Avenue and Osborn Avenue in the Town of Riverhead at the current site of Magee Service, Inc.

Any person wishing information on this application, may examine it at the Office of the Town Clerk during normal

RESOLUTIONS - continued

business hours. Any person wishing to address the Town Board with reference to this matter should appear at the above stated time and place and they will be heard.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Before resolution #309 was offered, Supervisor Smith stated: "This is a long one ladies and gentlemen. It's a whole bunch of amendments that were placed before the public for public hearing at our last meeting. No one testified to the matters that were contained therein. They involve zoning and several other matters. Is anybody particularly interested in listening to Doc Menendez read the resolution adopting these amendments? Anyone interested in the text, it's available at the Town Clerk's Office."

#309 ADOPTION OF AMENDMENTS TO RIVERHEAD TOWN CODE

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Board of the Town of Riverhead has duly published and posted certain proposed amendments to the Riverhead Town Code which pertain to Chapter 48, Beaches and Recreation Centers; Chapter 73, Landmarks Preservation; Chapter 88, Sewers; Chapter 100, Vehicles Abandoned; and Chapter 108, Zoning, and

WHEREAS, A public hearing was held on the proposed amendments on June 19, 1979 at 8:15 P.M. Before the Town Board of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York, wherein no opposition was voiced to said proposed amendments, and

WHEREAS, Local Law No. 3-1977 of the Town of Riverhead allows summary publication of adoption of amendments to ordinances contained in the Riverhead Town Code, it is hereby

RESOLVED, That the following proposed amendments to the Code of the Town of Riverhead are hereby adopted which pertain to the following:

- 1) Chapter 48, Beaches and Recreation Centers.
Article III (New)
 - a) § 48-23. Definitions
 - b) § 48-24. Purpose
 - c) § 48-25 Procedure

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RESOLUTIONS - continued

- d) § 48-26. Town of Riverhead Park Preserve Committee.
- 2) Chapter 73, Landmarks Preservation.
 - a) § 73-2. Definitions
- 3) Chapter 88, Sewers.
 - a) § 88-15. Venting of Sanitary Sewer Connections.
 - b) § 88-19. Pipe and Joint Specifications.
 - c) § 88-22. Connection to Public Sanitary Sewer
- 4) Chapter 100, Vehicles Abandoned.
 - a) §100-2. Definitions.
- 5) Chapter 108, Zoning.
 - a) §108-7. Definitions.
 - b) §108-11. Uses, Residence A District.
 - c) §108-13. Uses, Residence B District.
 - d) §108-13. Accessory buildings and Structures, Residence B District.
 - e) §108-15. Uses, Residence C District.
 - f) §108-20. Condominiums,
 - g) §108-21. Uses, Agriculture A District.
 - h) §108-24. Accessory Buildings and Structures, Agriculture A District.
 - i) §108-26. Additional Requirements for Special Permit Uses (Gasoline Stations).
 - j) §108-27. Uses, Business A District.
 - k) §108-31.1. Review of Site Plan.
 - l) §108-34. Uses, Business B District.
 - m) §108-39. Uses, Business C District.
 - n) §108-42. Uses, Business D District.

RESOLUTIONS - continued

- o) S108-45. Uses, Industrial A District.
- p) S108-48. Uses, Industrial B District.
- q) S108-51. Nonconforming Buildings and Uses.
- r) S108-56. Signs.
 - 1) S108-56 A(2) (b) new section.
- s) S108-59. Swimming pools.
- t) S108-63. Vending Machines.
- u) S108-64. Prefabricated Dwellings.
- v) S108-64.1. Screening and Buffer Regulations.
- w) S108-64.2. Buildings used for storage.
- x) S108-67. Lot area.
- y) S108-68. Visability at Intersections.
- z) S108-73. Permits.
- AA) S108-74. Certificate of Occupancy.
- BB) S108-76. Board of Appeals Powers.

and be it

FURTHER RESOLVED, That copies of these amendments of ordinances are available for inspection at the Town Clerk's Office during normal business hours and that these amendments of ordinances shall take effect ten (10) days after publication and posting, and be it

FURTHER RESOLVED, That the Town Clerk is hereby authorized to publish and post the adopted amendments in summary form.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#310

RESOLUTION AUTHORIZING NOTICE FOR PUBLIC HEARING -
LOCAL LAW #1 - 1979

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

RESOLUTIONS - continued

RESOLVED, That the Town Clerk be and she hereby is authorized to publish and post the following Notice of Public Hearing.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE THAT A Public Hearing will be held on the 17th day of July, 1979, at 8:00 o'clock P.M. before the Town Board of the Town of Riverhead at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons wishing to be heard with regard to the following proposed Local Law #1 - 1979:

BE IT ENACTED By the Town Board of the Town of Riverhead as follows:

Pursuant to the provisions of the Municipal Home Rule Law, the Building Inspector, the Zoning and Building Administrator, and the Fire Inspector are hereby authorized to issue an appearance ticket as defined by section 150.10 of the Criminal Procedure Law for violations of those sections of the Town Code of the Town of Riverhead over which they have jurisdiction.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes,

The resolution was thereupon declared duly adopted.

#312 APPROPRIATES FUNDS FOR LANDMARKS PRESERVATION COMMISSION
Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Landmarks Preservation Commission has requested \$210.00 for six (6) plaques for buildings designated as landmarks pursuant to section 73-12 of the Town Code,

NOW, THEREFORE, be it

RESOLVED, That the Town Board approves the purchase of six (6) plaques to identify buildings which have been designated as landmarks, and

FURTHER RESOLVED, That these plaques be paid out of account no. 7520.400.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#313

RESOLUTION ADVERTISING FOR BIDS - PECONIC RIVER
MARINA AND PARK CONTRACT #3, SITE PREPARATION

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Clerk be and she hereby is

RESOLUTIONS - continued

authorized to publish the following public notice calling for bids for Peconic River Marina and Park Contract #3, Site Preparation.

NOTICE TO BIDDERS

Notice is hereby given that SEALED PROPOSALS for the Construction of the PECONIC RIVER MARINA & PARK will be received by the Town of Riverhead at the Town Clerk's Office Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 A.M., Prevailing Time on Thursday, July 19, 1979, at which time and place they will be publicly opened and read aloud for the following contract:

Project No. RIVT 79-05 Contract No. 3--Site Preparation

Plans and Specifications may be obtained at either the Town Clerk's Office and/or the Office of the Consulting Engineers, HOLZMACHER, McLENDON & MURRELL, P.C., Room 208, 560 Broad Hollow Road (Route 110), Melville, New York 11747, upon deposit of Twenty-Five Dollars (\$25.00) for each set furnished.

Deposits for plans and specifications will be refunded to bidders who return plans and specifications within ten (1) days in good condition; other deposits will either be partially or not refunded if the plans and specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each proposal must be accompanied by either a Bid Bond or Certified Check in the amount of five percent (5%) of the total bid, made payable to ALLEN M. SMITH, SUPERVISOR, TOWN OF RIVERHEAD, as assurance that the bid is made in good faith.

Attention is called to the fact that not less than the minimum salaries and wages as set forth in the Contract Documents must be paid on this project, and that the Contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin. Particularly all labor standard provisions of the Davis-Bacon Act and related acts, Contract Work Hours Standards Act, and United States Department of Labor shall be complied with.

The attention of the bidder is also called to the fact that on signing the contract, the Contractor must specifically agree to comply with Sections 220, 220d, and 220e of the New York State Labor Law; Executive Order No. 45, dated January 4, 1979, effective February 4, 1977; Sections 291-299 of the Executive

RESOLUTIONS - continued

Law and the Civil Rights Law; and furnish all information reports required by said Executive Orders and/or Law.

The right is reserved to reject any or all bids, to waive any informalities and to accept the lowest responsible bid which, in the opinion of the Town Board, is in the best interests of the Town.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Before resolution #314 was offered, Supervisor Smith stated: "This again is a notice of public hearing that will occur on the 17th day of July. It provides for amendments to the various codes for the Town of Riverhead. One being for a farm stand sign, directional signs, some amendments dealing with prefabricated trailers etc., notices of violations, penalties. Is anybody particularly interested in hearing this read in total. It will be in the paper.

#314 AUTHORIZES PUBLISHING OF NOTICE

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That the Town Clerk be and she hereby is authorized to publish and post the following public notice of amendments to the Code of the Town of Riverhead,

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, That a Public Hearing will be held on the 17th day of July, 1979, at 8:30 o'clock P.M., before the Town Board of the Town of Riverhead, at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons wishing to be heard with regard to the following proposed amendments to the Code of the Town of Riverhead:

§ 108-56(1) (2) (3)

For the purpose of this section, double-sided signs shall be treated as one (1) sign.

§ 108-56(1) (2). Farm Stand Signs.

Each farm stand shall be allowed one (1) freestanding, non-flashing, non-moving on-premises sign, not exceeding twenty (20) square feet in sign area and not exceeding eight (8) feet

RESOLUTIONS - continued

in vertical height from the mean land of the ground surrounding the sign. Said sign shall be twenty-five (25) feet from each side line and ten (1) feet from the front and/or rear property line.

A farm stand sign shall be made up of one or more signs, one describing the name of the business, not exceeding eight (8) square feet and up to six separate removable signs designating the varieties of fruits, vegetables, or fish sold at the farm stand.

The area of the sign shall be determined by the smallest rectangle that encompasses the sign designating the name of the business and the removable signs designating the products offered for sale.

§ 108-56.(P) (2)

All directional signs within the town shall be of the same size, material, height and color, as determined by the Town Board.

No directional sign shall be greater in size than twenty-four (24) square feet.

S 108-64(E) It is a temporary trailer (prefabricated dwelling).

Notwithstanding A through D above, there shall be permitted the installation of a trailer (prefabricated dwelling) in which a family or individuals may live in a residential or agricultural zone under the following circumstances:

(1) The trailer (prefabricated dwelling) must be for the temporary use and occupation of an individual or group of individuals whose residence has been so damaged by fire or by some act of God as to render the residence uninhabitable,

(2) The trailer (prefabricated dwelling) must be placed on the same plot as the house which is being rebuilt, or a contiguous parcel, with the owner's consent.

(3) A permit shall be obtained from the Building Department within seventy-two (72) hours of placing the trailer (prefabricated dwelling) on a lot. The fee for the permit shall be fifty dollars (\$50.).

(4) A Certificate of Occupancy shall be obtained from the Building Department within twenty-one (20) days of placing the trailer (prefabricated dwelling) on a lot.

RESOLUTIONS - continued

(5) Such trailer shall be permitted to remain on a lot for six (6) months with one (1) six (6) month extension upon application to the Zoning Board of Appeals. No further extensions are permitted and it shall be mandatory that the trailer be removed at the end of the time permitted. If the trailer is not removed, there shall be a fine of fifteen dollars (\$15) per day of the owner of the trailer for each day that it remains beyond the time limit. If the trailer remains in violation for more than ten (10) days, the Building and Zoning Administrator or Building Inspector or his representative may, after notifying the owner of said trailer in person or by letter, return receipt requested, cause the trailer to be removed. The expense of such removal and any storage charges resulting shall be paid by the owner of the trailer and if said cost is not paid within ten (10) days of notification to the owner, the Building and Zoning Administrator may advertise the public sale of the trailer (prefabricated dwelling) in the official paper of the Town and sell it to the highest bidder. The moneys realized from the sale shall be applied to any fines outstanding and to reimburse the Town for any expense incurred in moving and storing the trailer (prefabricated dwelling). If there shall be any excess, it shall be remitted to the former owner of the trailer (prefabricated dwelling).

RESOLUTIONS - continued

§ 68-41. Notice of violation.

Whenever the enforcing officer determines there is or has been a violation of this chapter, or has reasonable grounds to believe there is or has been a violation of this chapter, he shall give notice of violation to the owner of the subject premises, and in the cases where it appears to the enforcing officer that the provisions of § 68-38 apply, he shall also give notice of violation to the occupant of the premises. Such notice may be in the form of an appearance ticket.

§ 68-42. Contents of notice.

The notice of violation shall be in writing and shall specify the violation alleged to have been committed and the name of each person to whom addressed. It may specify the steps to be taken to effect compliance and may set a reasonable time, not less than ten (10) nor more than thirty (30) days after issuance, for the person given such notice to effect compliance. It shall, in any event, specify a date, time and place for the person given notice to appear before a court of competent jurisdiction to be formally charged with the violation set forth in the notice and to be arraigned thereon. In the event the notice contains a statement of a reasonable

RESOLUTIONS - continued

time for compliance, the date set for appearance in court shall be subsequent to the final date for compliance. ~~The notice shall further contain a statement to the effect that any person has a right to a hearing before the Board of Housing Appeals on one of the grounds set forth in § 68-50.~~

ARTICLE XI

Penalties

§ 68-63. Penalties for offenses.

- A. ~~Every person who fails to comply with a notice of violation or an order duly issued and served upon him as provided herein within the time stated therein, or who shall violate any provision of this chapter, shall be guilty of a violation~~ A violation of any provision or requirement of this chapter shall be deemed a violation punishable ~~and shall be punished~~ by a fine of not more than two hundred and fifty dollars (\$250.) ~~fifty dollars (\$50.)~~ or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment.

RESOLUTIONS - continued

ARTICLE IX

Board of Housing Appeals

§. 68-48. Appointment; membership; terms.

~~The Town Board shall appoint from among its membership a Board of Housing Appeals consisting of three (3) members, each to serve at the pleasure of the Town Board or for such term as may be designated by it. No more than one (1) Town Justice shall act as a member of the Board of Housing Appeals at one time.~~

~~§ 68-49. Meetings; officers.~~

~~The Board of Housing Appeals shall select one (1) of its members to act as Clerk of the Board and one (1) of its members to act as Chairman, and shall meet at the call of the Chairman but not less often than once each month. All meetings of the Board shall be open to the public. Minutes of proceedings shall be kept by the Clerk.~~

§ 68-50. Jurisdiction and duties.

~~A. When a notice of violation has been issued, the Board of Housing Appeals shall have jurisdiction to hold hearings and make determinations in the following cases:~~

~~(1) When there is a conflict between an owner and an occupant or operator as to primary responsibility under §§ 68-37 and 68-38.~~

RESOLUTIONS - continued

(2) When it is claimed that the enforcing officer did not set a reasonable time for compliance or refused to extend time for compliance in a proper case.

(3) When it is claimed that the enforcing officer incorrectly interpreted any material and relevant section of the chapter.

~~B. The Board may render informal advisory opinions on this chapter upon request of any citizen, including the enforcing officers, the court or the Town Board, and may on its own initiative make recommendations to the Town Board as to possible changes in the chapter.~~

~~§ 68-51. Procedure.~~

~~A. On or before the return date of the notice of violation but subsequent to the date for compliance, if any, set forth in such notice, the enforcing officer shall appear before the Magistrate and verify an information subsequent to the notice of violation and file the same with the court. No warrant shall issue on any information filed hereunder prior to the return date of the notice of violation.~~

~~B. Immediately following his arraignment but before being required to plead thereto, the defendant shall be advised of his right to a hearing before the Board on any of the grounds set forth in § 68-50 and to an adjournment of the instant proceedings pending determination by the Board. The defendant shall be advised that if he does elect to~~

have such hearing, ~~statements made by him in connection~~
with such hearing may be used against him in subsequent
-court proceedings, if any, and that if he desires a hearing
-on the ground that another person is primarily responsible
for the violation, he is admitting the existence of the
violation..

~~C. If the defendant does not desire such hearing, he shall be
deemed to have waived any claim that he is merely secondarily
-responsible for the violation, and he shall then be required
to plead to the information, and the court shall proceed in
-the usual manner in the case.~~

~~D. If the defendant does desire a hearing before the Board, he
shall so indicate and state the grounds therefor. If the
-grounds are not one of those set forth in § 68-50, the
-court shall proceed as if hearing had been waived. If
proper grounds are stated, the court shall adjourn all
proceedings before it in the instant case to a date subsequent
to ten (10) days after the next meeting of the Board to
be held not less than seven (7) days thereafter, and shall
advise the defendant to appear before the Board at its
next such meeting to be heard. The court shall advise the
Board of cases so referred to it.~~

~~E. If the defendant claims the grounds of § 68-50A(1), at
-least five (5) days prior to the hearing he shall serve
a notice on the person alleged to be primarily responsible
for the violation, stating the grounds of the notice of
violation, the grounds of the request for hearing, the time
and place of the hearing and that the person served may be
held primarily responsible if he does not appear at the~~

RESOLUTIONS - continued

~~time and place of the hearing. The defendant shall file sworn proof of service with the Board at the hearing unless the person served appears.~~

~~§ 68-52. Conduct of hearing.~~

~~The hearing shall be conducted under the supervision of the Chairman with the purpose of establishing the facts and the applicable law in a manner consistent with fairness and the standards applied by reasonable men in the conduct of their business affairs. Strict rules of evidence shall not apply, except that the chairman may exclude irrelevant evidence and limit cumulative testimony or evidence. Persons may appear before the Board in person, by attorney or representative and shall be afforded sufficient opportunity to present their cases, under oath or not, as they see fit. The Board may call other persons to give evidence and may take into account their personal knowledge of the facts, but if such personal knowledge is considered, a statement to that effect must be made at the public hearing.~~

~~§ 68-53. Findings.~~

~~After consideration of the evidence the Board shall, within ten (10) days of the hearing, make its determination and order that the notice of violation be sustained, modified or withdrawn. In each case where the Board finds that further proceedings are in order, it shall instruct the enforcing officer how to proceed. In such case the Board may direct the serving and filing of new or amended notices of violation on any party or other person and may direct times for compliance, and shall have all of the~~

RESOLUTIONS - continued

~~authorities of the enforcing officer in such cases. No order shall be effective unless mailed to a party who appeared or unless served on any other party or person affected.~~

~~§ 68-54. Effect of findings on court proceedings.~~

~~A. Upon determination by the Board that the notice of violation should be sustained, court proceedings shall continue in the usual manner, the defendant to appear in court on the adjourned date to plead to the information.~~

~~B. Upon determination that the notice of violation should be withdrawn, the information shall be dismissed with prejudice.~~

~~C. Upon determination that the notice of violation should be modified, the information shall be dismissed without prejudice to the serving of new notices of violation and filing of new informations in accordance with the directions of the Board.~~

~~§ 68-55. Effect of prior determination.~~

~~There shall be no right of hearing before the Board on any notice of violation served or filed by or at the direction of the Board.~~

~~§ 68-56. Voluntary inspections.~~

~~For the purpose of establishing the condition of premises at any given time, the enforcing officer may, at the request of an owner or occupant, when not otherwise prohibited hereunder or by law, upon the payment of~~

RESOLUTIONS - continued

a fee two dollars (\$2.), inspect and report the condition of any premises ~~subject hereto and file such report in his office. Such report shall be presumptive evidence of the facts stated therein.~~

§ 108-78. Penalties for offenses.

A. A violation of any provision or requirement of this chapter or a violation of any statement, plan application, permit or certificate approved or issued under the provisions of this chapter shall be deemed an ~~offense~~ violation, punishable by a fine not exceeding ~~five hundred dollars (\$500.)~~ two hundred and fifty dollars (\$250.) or imprisonment for a period not to exceed ~~six (6) months~~ fifteen (15) days, or by both such fine and imprisonment.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#315 AUTHORIZES PUBLICATION OF NOTICE OF PUBLIC HEARING
ZILNICKI

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

RESOLVED, That the Town Clerk be and she hereby is authorized to publish and post the following notice of public hearing.

PUBLIC HEARING

PLEASE TAKE NOTICE, That pursuant to the provisions of the Code of the Town of Riverhead, Chapter 108, a Public Hearing will be held by the Town Board of the Town of River-

RESOLUTIONS - continued

head at 8:45 P.M. on the 17th day of July at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all persons interested in the application of Edward Zilnicki to erect and maintain a mobile home as a residence for not more than four (4) farm laborers as a Type 6 Camp pursuant to the provisions of Section 108-21 (B) (5) of the Code of the Town of Riverhead, on certain lands owned by Edward Zilnicki on the west side of Roanoke Avenue, 1763 feet south of the intersection of Roanoke Avenue and Sound Avenue, Riverhead, New York. All persons interested in giving testimony or evidence, for or against, said application, should appear at the above stated time and place and they will be heard.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith stated: "If we could on Thursday morning, the Town Board has stepped on the toes of the Planning Board and we are accused of not telling them what we are doing on special permits. Zilnicki does not come out of the Planning Board. He comes out of the Zoning Board and they know about it, but we should refer it to the Planning Board, although it is not on their agenda. Oh, you have it covered."

Patricia Tormey: "I asked Mr. Fairley if he'd be willing to take it for this Thursday and he said he would."

#316 AWARDS BID FOR TWO (2) NEW 1979 DUMP TRUCKS - HIGHWAY DEPARTMENT

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The Town Board of the Town of Riverhead has advertised for bids for Two (2) New 1979 Dump Trucks for the Highway Department, and

WHEREAS, Bids were received for the aforementioned Dump Trucks, and

WHEREAS, The Town Attorney and the Town Board have examined the bids submitted,

NOW, THEREFORE, be it

RESOLVED, That the Town Board award the bid to TRYAC TRUCK & EQUIPMENT CO., INC. for a contract sum of FORTY-THREE THOUSAND NINE HUNDRED NINETY-FIVE and 00/100 (\$43,995.00) DOLLARS, in conformity with the bid specifications, documents, etc., on file with the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#317

AUTHORIZES PUBLICATION OF NOTICES RE LIMITED AND
NON-PARKING AREAS IN TOWN CODE

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Town Board has held hearings on amending the Code of the Town of Riverhead relative to non-parking and limited parking areas on Route 25, Jamesport, and Railroad Avenue and Peconic Avenue in the Hamlet of Riverhead, and

WHEREAS, The Town Board has considered said amendments and testimony at the public hearing, and has investigated these matters,

NOW, THEREFORE, be it

RESOLVED, That this Town Board does hereby adopt said amendments as published for public hearing with reference to the changes proposed on Route 25 in Jamesport and Railroad Avenue in the Hamlet of Riverhead, and be it

FURTHER RESOLVED, That this Town Board does hereby adopt said amendments relative to Peconic Avenue to the limited extent of removing one parking space adjacent to the Peconic Avenue exit of the Riverhead Savings Bank, and be it

FURTHER RESOLVED, That the Town Attorney and Town Clerk be, and they are hereby, authorized to prepare the necessary public notices of this action and publication of the same.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#318

AUTHORIZES TRANSFER OF BOND ISSUE FUNDS TO HIGHWAY
ACCOUNT UPON COMPLETION OF DRAINAGE FACILITIES ON
HARRISON AVENUE

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Board has requested the Highway Superintendent to install certain drainage facilities on Harrison Avenue at or near the Riverhead Nursing Home, and

WHEREAS, The Highway Superintendent has offered to install said facilities for the sum of Two thousand five hundred and 00/100 (\$2,500.00) Dollars,

NOW, THEREFORE, be it

RESOLVED, That the Highway Superintendent is authorized to install said facilities, and the Supervisor is authorized and directed to transfer the sum of Two thousand five hundred and 00/100 (\$2,500.00) Dollars from the proceeds of the Drainage Bond issue to such Highway Account as may be selected by the Highway Superintendent upon completion of the work.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#319 RESOLUTIONS - continued
TRANSFER OF FUNDS

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Since the inception of the Public Parking District, it is contemplated that the properties known as the Cavagnaro Home would be included in the over-all downtown parking program, and

WHEREAS, The Town Board had prepared the necessary surveys, plans, appraisals, and contracts to effect his expansion, and

WHEREAS, Funds on hand were available from the General Fund and Parking District Fund to acquire said property, and

WHEREAS, Title was vested jointly in the Town of Riverhead and Riverhead Parking District, and

WHEREAS, Payment was made out of the Public Parking District Fund,

NOW, THEREFORE, be it

RESOLVED, That the sum of Thirty-five thousand one hundred forty and 00/100 (\$35,140.00) Dollars be, and hereby is, transferred from the Parking Meter Fund to the Public Parking District Fund.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resoution was thereupon declared duly adopted.

Supervisor Smith recessed the meeting to hold a public hearing.

PUBLIC HEARING - 8:00 P.M.

The Town Clerk submitted affidavits of publishing and posting of a public notice for a Public Hearing to be held on Tuesday, July 3, 1979 at 8:00 P.M., at Riverhead Town Hall, to hear all interested persons in both suggesting possible programs to work for the "Small Cities, Year II" application and commenting upon the Town of Riverhead's Housing Assistance Plan.

The affidavits were ordered to be placed on file.

Supervisor Smith: "There are a vast number of rules that apply to a particular program and statutory scheme that is administered by the Department of Housing and Urban Development. Those of you who are regular attenders to these meetings realize that over the past three years, we go through this thing on a regular basis. This program, like some of the others, the regulatory scheme that it operates under, calls for a two-barrelled

PUBLIC HEARING - continued
Supervisor Smith continues:

hearing.

The first hearing is to listen to any comments that anyone would bring before the Town Board no matter how outrageous they might be or whether or not they would fit into the statutory scheme of the particular act that we attend funding under.

The second of the two hearings is a specific hearing, in this case Community Development. We present a program of work for consideration by the public. That format is somewhat more complicated. In this particular instance, it is more complicated in that unlike some of the other jurisdictions around us, under the "Small Cities Program", we elected not to go for a single-year grant. We probably could have obtained a greater award if we had, but we did not. We chose to take the long view with reference to Community Development in the Town of Riverhead and we applied for a three-year grant. We obtained that some time ago.

We are completing the first year of work as approved and we are about to enter the second year of work. We are entitled to under our grant \$450,000.00 per year. During the first year we have had a land acquisition program for \$80,000.00., a loan program which includes a home improvement loan program for twenty, direct grants or improvements for the handicap grant being \$20,000. The water extension project on Horton Avenue, a drainage related project on Horton Avenue for \$100,000.00. Capital improvements to parks \$60,000.00, townscape program of \$25,000.00, and administrative costs of an evaluation for \$5,000.00, a contingency account for \$5,000.00 and an administration for \$45,000.00. In Year II the land acquisition program, is continued in '80. Water extension for Belltown Area and Hubbard Avenue is down for \$25,000.00. A relocation allowance for the Horton Avenue area, \$60,000.00, a demolition and acquisition fund of \$80,000.00, a single-family rehabilitation program of \$60,000.00, townscape which includes the river-front park beautification at \$85,000.00, and administration at \$50,000.00.

If there is anyone present in the audience who would choose to address the Town Board with reference to this program, they may do so at this time? If no one chooses to address the Town Board, we will rely upon the prior proceedings and our activity in Community Development up until this point in formulating a program to be presented at the special Town Board Meeting which will be held one week from tonight. Does anyone choose to speak?"

William Nohejl, Wading River; "The \$80,000.00, was that for the acquisition of Doctors Path properties?"

Supervisor Smith: "In the first year program, Bill —

PUBLIC HEARING - continued

Supervisor Smith continues:

I'm trying to pick out exactly which one you are interested in. Doctors Path, Mr. Scheiner, is that correct? You better get up here."

William Nohejl: "I'm wondering what is the status of it now?"

Supervisor Smith: "Doctors Path, specifically? Okay, not dealing with the funding, off the top of my head, the 500 Doctors Path parcel was acquired through federal funding, discretionary grant. It's a HUD Administrative Program. It is not this particular program. The parcel immediately to the north was acquired so that we get an affective yield of twenty plus acres. I believe it was twenty-five acres. The building, provided it does not rain like it did last month, will be burned on Monday by the Fire Department and we have been working with the First Baptist Church on a potential construction of forty one-family units at that location."

William Nohejl: "That's what I'm concerned about. When do you think that might get under way, because it could drag for years and years?"

Supervisor Smith: "It has dragged for a long time. We, I see and Mr. Scheiner sees documents pass our desks, probably two or three a week. We anticipate a final application for approval before the area office of HUD by September 1st. Is that correct?"

William Nohejl: "That's one of the things. Now I'm concerned about Horton Avenue. I'm concerned with the people down there. You have funds provided for a sump, right, I assume."

Supervisor Smith: "Yes, they are in the second year. There is a relocation fund with reference to the moving of people in that particular area. There is a combination of this fund and some others with reference to acquiring some property and relocating some people."

William Nohejl: "That's what I'm wondering, where did you expect to relocate them?"

PUBLIC HEARING - continued

Supervisor Smith: "We had, at one point, negotiated successfully, a contract for the acquisition of the Dormand parcel which is on the northwest corner of the intersection of Osborne Avenue and Middle Road, very close to where the homes are today. For whatever the reasons, the seller withdrew that parcel from consideration. Last meeting, we retained the services of two appraisors, Mr. Breslin and Mr. Snover for the purposes, if necessary, of condemnation of the parcel immediately to the north of that, Bill, which is the vacant parcel."

William Nohejl: "What I'm concerned about, Horton Avenue, is a natural sump area?"

Supervisor Smith: "Yes Sir."

William Nohejl: "And natural water finds its level. I firmly believe that the people should be given a chance to relocate — the Town take it upon its hands to acquire property and allow these people to move their homes and assist them with low-interest loans.

And I suggest that it should be done for white and for black, because I have heard contradiction; well it's for the black. I say there are people living in low areas, white people, who should be given the same opportunity. I feel as though — I am suggesting a parcel just south of your Doctors Path. A pleasant, wooded area, town cut roads in there, put drainage, put your water in that's coming up to Doctors Path. You know the property that I'm referring to, just south of Doctors Path, there is eighty acres of woods which are available. You could make a nice pleasant community for anyone who wishes to relocate and to assist the poor people to get out of the areas that they are in and to relieve some of this flooding situation that we have in this Town. And on Horton Avenue, I am suggesting that the roads, Osborne, Middle, and Horton Avenue be raised to a certain degree and houses the people moved out of there, and relocated, and to be a natural drainage area instead of, I say, building sumps,"

Supervisor Smith: "Okay. Thank you. Bill, for your general information, I did negotiate or attempt to negotiate that woods parcel."

William Nohejl: "The one I'm talking on?"

Supervisor Smith: "Yes."

PUBLIC HEARING - continued

William Nohejl: "Because I know the people quite well and they told me to ask you if you were interested in it. I have no interest in it."

Supervisor Smith: "Okay."

William Nohejl: "But I feel as though that would make such a pleasant community."

Supervisor Smith: "I do, too. Off the top of my head, without looking at my notes, I think their price was \$9,000.00 an acre."

William Nohejl: "No it isn't. I can buy it for \$3,000.00 an acre for you Sir."

Supervisor Smith: "You got a deal tonight."

William Nohejl: "Will you want it?"

Supervisor Smith: "Yes."

Councilman Regula: "Are you talking about the same site?"

William Nohejl: "I'm talking about south of Doctors Path between Oakland and Doctors Path."

Supervisor Smith: "Doctors Path, oh, all right. I'm talking about Horton Avenue. Okay."

William Nohejl: "I said — I said . . ."

Councilman Young: "Horton Avenue is where the drainage is."

Supervisor Smith: "Yes, it's a little . . ."

PUBLIC HEARING - continued

William Nohejl: "Horton is where you have your drainage problem. I say to move these people out of there and to relocate them into a pleasant area that you can make a pleasant community. I'm not talking about anything on Horton Avenue. I'm talking on Doctors Path. There is a wooded area, eighty acres, just south of your Doctors Path Development, between Oakland and the old buildings that exist."

Supervisor Smith: "I know that parcel. Okay, thank you. Anyone else with reference to this public hearing? Next week at this time, we will be back with any refinements that may be warranted in the Year II Grant of this particular program."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:12 P.M.

RESOLUTIONS - continued

#320

RETAINS APPRAISOR FOR ELTON AVENUE PROPERTY

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, Young & Young has prepared a Drainage Study Plan to solve certain flooding conditions on Elton Avenue and East Avenue Extension, and

WHEREAS, Said Plan calls for the acquisition of certain property from St. John's Roman Catholic Church on the north side of Elton Avenue,

NOW, THEREFORE, be it

RESOLVED, That H. Lyndon Hallock be, and he hereby is, retained to appraise said property and that he be paid a reasonable fee for his services upon submission of the required voucher.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#321

RETAINS SLACKE TEST BORING, INC. FOR SOIL SAMPLING OF
DOCTORS PATH DRAINAGE STUDY

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, By letter, dated June 13, 1979, Holzmacher, and Murrell recommended the retention of Slacke Test Boring, Inc., to perform certain soil sampling in connection with the Doctors Path drainage study,

NOW, THEREFORE, be it

RESOLUTIONS - continued

RESOLVED, That the Town Board does hereby authorize the retention of Slacke Test Boring, Inc., for a contract price of Two thousand three hundred seventy-five and 00/100 (\$2,375.00) Dollars, to perform soil borings in connection with the Doctors Path drainage study.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#322 RETAINS ASSISTANT FOR ONE-FAMILY HOME RE-HABILITATION PROGRAM AND ENGINEER FOR GAS STORAGE FACILITY

Councilman Regula offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Community Development Office has undertaken a program of one-family home re-habilitation and needs as-built-drawings of said structures, and will require drawings for re-habilitation of the same, and

WHEREAS, The Town Board, in light of the current gas stituation needs gasoline storage capacities, which are segregated from general commercial use, and the desire and letting of bids for such storage require the services of an engineer,

NOW, THEREFORE, be it

RESOLVED, That Gordon Ahlers be, and he hereby is retained for the purpose of assisting the Community Development Office in the one-family home re-habilitation program, and that Sidney B. Bowne and Sons be and they hereby are retained for the purposes of preparing the necessary plans and specification for the gasoline storage facilities, and that they shall be paid a reasonable fee for their services, upon submission of the required voucher.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#323 APPOINTS TEMPORARY TOWN HALL SUMMER EMPLOYEES

Councilman Lombardi offered the following resolution which was seconded by Councilman Regula.

WHEREAS, This Town Board does employ temporary summer employees for specific projects,

NOW, THEREFORE, be it

RESOLVED, That the following named persons be, and they hereby are, appointed to the positions and at the rates of pay stated below, to serve at the pleasure of the Town Board:

RESOLUTIONS - continued

<u>SUMMER LABORERS</u>	<u>EFFECTIVE DATE</u>	<u>RATE OF PAY</u>
Anthony Daniels	June 14, 1979	\$3.75
Warren C. Booker	July 3, 1979	\$3.75
Robert Boden	July 7, 1979	\$3.75

FURTHER RESOLVED, That Donald Harris and David Witt have their rates of pay adjusted, as of the effective date of their employment by prior resolution to the rate of \$3.75 per hour.

Before the vote, Supervisor Smith stated: "Bob, what was the name of the young man that use to work for us down street, a Ceta employee?"

Councilman Regula: "Irene would know."

Supervisor Smith: "No."

Councilman Menendez: "A temporary employee?"

Supervisor Smith: "A guy who went to work for the Highway Department."

Councilman Lombardi: "Donald Harris."

Supervisor Smith: "We should add, further resolved that Donald Harris and David Witt have their rates of pay adjusted as of the effective date of their employment by prior resolution to the rate of \$3.75 per hour."

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#324 RESOLUTIONS - continued
AUTHORIZES RETENTION OF PETTY CASH FUNDS IN TOWN CLERK'S
AND TAX RECEIVER'S OFFICES

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, There exists in the offices of the Town Clerk and Receiver of Taxes certain petty cash funds, and

WHEREAS, The Town Clerk has investigated the origins of said petty cash funds and has been unable to identify resolutions of the Town Board approving the same,

NOW, THEREFORE, be it

RESOVLED, That this Town Board does hereby authorize the maintenance of petty cash funds by the Receiver of Taxes and Town Clerk in the amounts of Two hundred and 00/100 (\$200.00) Dollars and Fifty and 00/100 (\$50.00) Dollars, respectively.

The vote, Regula, Yex, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

PERSONAL APPEARANCES

Supervisor Smith: "We have ended up rather quickly. Is there anyone who would take advantage of our early — yes, Bill?"

William Nohejl: "I'd like to question why is the study, drainage study just starting on Doctors Path now, when we've had this problem since all winter?"

Supervisor Smith: "We have approached the problem with reference to Doctors Path and other places in a stage development. I'll be ready to show you when we meet on Friday, those states and what you are seeing here is not the beginning, but as we approach some of the ends. Various and a sundries spots have been identified for potential recharge areas before we proceed a pace to get condemnation maps or negotiate with owners for those particular locations. The engineers have to know the quality of the soil underneath, such as they are."

William Nohejl: "Definitely . . ."

Supervisor Smith: "Okay. Just so there isn't two hundred feet of clay. So we have to get soil borings."

William Nohejl: "But you know if all this is done, when does any anticipated work start, next winter, next spring?"

PERSONAL APPEARANCES - continued

Supervisor Smith: "I would hope not. We have land for such facility already which is part of that 500 Doctors Path parcel. I've spoken to Bob Hartmann about some of the sites that are up on his place and some of the other areas over towards Horton Avenue, and much further along than these."

William Nohejl: "Has Horton Avenue test arrangement been?"

Supervisor Smith: "Yes, Sir."

William Nohejl: "They have?"

Supervisor Smith: "Yes. Sir. We have negotiated with the Zeh's. We are now looking at some other places. We also have negotiated with Roger DeFriest, on and on. I've even been negotiating with Bill Nohejl."

William Nohejl: "No you haven't."

Supervisor Smith: "Not yet."

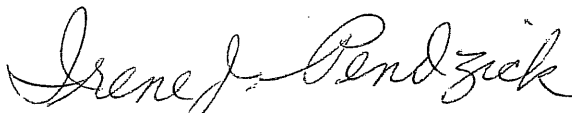
William Nohejl: "No you haven't."

Supervisor Smith: "I'll talk to you about it. He doesn't want to sell cheap. He doesn't want to sell cheap. Okay, anybody else? We'll give you \$3,000.00 an acre. That was a nice figure you named before."

William Nohejl: "Very good, take my whole parcel, I've got seventy acres. Do you want it?"

Supervisor Smith: "No, just an acre. Mrs. Tormey, may I see you for just a moment. I bid the rest of you good night."

There being no further business on motion and vote, the meeting adjourned.



Irene J. Pendzick, Town Clerk